

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Bruce D. HISSONG
)	
Austin GURNEY)	Art Unit: 1646
)	
Application Serial No. 10/697,599)	Attorney's Docket No. GNE-0125A
)	
Filed: October 29, 2003)	Customer No. 77845
)	
For: METHOD OF TREATING)	
INFLAMMATORY DISEASE BY)	
INHIBITION OF IL-17 PRODUCTION)	

FILED VIA EFS
ON DECEMBER 10, 2008

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* form, that accompanied the Notice of Allowance for United States Patent Application Serial No. 10/697,599, states that the PTA is "541" days. Applicants believe that the correct PTA to be accorded to the above-referenced patent is 540 days. Applicants hereby notify the United States Patent and Trademark Office that the PTA cited on the *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* is believed to be in error, and request that the PTA accorded to the above-referenced patent be 540 days.

REMARKS

Patent Term Adjustment

The total Patent Term Adjustment was noted as 541 days on the *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* form that accompanied the Notice of Allowance for United States Patent Application Serial No. 10/697,599.

In reviewing the Patent Term Adjustment History as published in the PAIR system of the U.S. Patent and Trademark Office (USPTO), Applicants note that Applicants filed a Request for Continued Examination (RCE) on October 30, 2007 using the United States Patent and Trademark Office Electronic Filing System. The EFS Acknowledgement Receipt issued indicates a receipt date of October 30, 2007. A copy of this receipt is enclosed for your reference. However, the PTA History available via the PAIR system incorrectly lists the date of "*Request for Continued Examination (RCE)*" as October 29, 2007.

Due to the error in recording the date of receipt of the response, the USPTO incorrectly shows an applicant delay of "61" days (8/29/2007 to 10/29/2007) instead of the correct applicant delay of "62" days (8/29/2007 to 10/30/2007).

Thus, the USPTO calculation of Applicant Delay is in error by 1 day: the correct total Applicant Delay is actually 118 days.

The total USPTO delay is 658 days.

Thus, the total Patent Term Adjustment is 540 days in favor of Applicants.

Thus, Applicants request that the USPTO recalculate the Patent Term Adjustment in view of the above remarks, and accord Applicants 540 days of Patent Term Adjustment.

CONCLUSION

Applicants request that Patent Term Adjustment for U.S. Patent Application Serial No. 10/697,599 be corrected to be **540 days** instead of the 541 days indicated in *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* form.

Applicants hereby authorize payment from Deposit Account No. **50-4634** (referencing Attorney's Docket No. **GNE-0125A**) for the PTA adjustment request as set forth in 37 C.F.R. § 1.18(e). However, Applicants do not believe the \$200.00 charge for reconsideration of the PTA should be charged to the Applicants, as Applicants believe that an error was made on the part of the USPTO. Please deposit any refund, or, if applicable, charge any additional fees that may be due in connection with this application, to the afore-mentioned Deposit Account. Should there be any questions, please contact the undersigned at the correspondence address listed below.

Respectfully submitted,

Date: December 10, 2008

By: 
Jeffrey Talkington (Reg. No. 58381)

Goodwin Procter LLP
135 Commonwealth Drive
Menlo Park, CA 94025
Main T: 650-752-3100
Main F: 650-853-1038

LIBC/3465935.1
12/09/2008

Electronic Acknowledgement Receipt

EFS ID:	2396446
Application Number:	10697599
International Application Number:	
Confirmation Number:	7558
Title of Invention:	Inhibition of IL-17 production
First Named Inventor/Applicant Name:	Austin L. Gurney
Customer Number:	25213
Filer:	Ginger R. Dreger/Rossetti Saena
Filer Authorized By:	Ginger R. Dreger
Attorney Docket Number:	39766-0125A
Receipt Date:	30-OCT-2007
Filing Date:	29-OCT-2003
Time Stamp:	17:24:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 1270
RAM confirmation Number	3510
Deposit Account	081641
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	RCE.pdf	55890	no	1
			4e34b3e51ea2976ca89d9c0e60b4d1ad1164a795		

Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8292	no	2
			cf0a231194eed376be1a230e97931f81e3b050fa		

Warnings:

Information:

Total Files Size (in bytes):			64182
------------------------------	--	--	-------

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.